

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

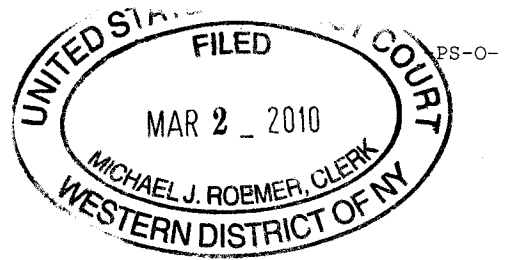
DAVID WILLIAMS,

Petitioner,

-v-

MARTIN HERRON, in his official capacity
as Facility Director, Buffalo Federal
Detention Facility, et al.,

Respondents.



09-CV-1125F

ORDER

Petitioner, David Williams, filed a petition for a writ of habeas corpus relief, pursuant to 28 U.S.C. § 2241, challenging his continued administrative custody/detention pending removal. (Docket No. 1). Petitioner was ordered removed by an Immigration Judge on or about July 19, 1999, and that decision became final on or about January 19, 2000, when the Board of Immigrations Appeal affirmed the decision of the Immigration Judge (Docket No. 1, Petition, "Custody," ¶ 1a). Respondents have filed a motion to dismiss the petition as moot inasmuch as petitioner has been released from administrative detention pending removal pursuant to an Order of Supervision, executed January 8, 2010. (Docket No. 5, Motion to Dismiss, Affidavit of Gail Y. Mitchell, sworn to February 24, 2010, Exh. A--Order of Supervision).

Accordingly, in light of the fact that petitioner has been released from administrative detention, the respondents' motion to dismiss the petition is granted and the petition is dismissed. See

Masoud v. Filip, NO. 08-CV-6345-CJS/VEB, 2009 WL 223006 (W.D.N.Y., January 27, 2009) (confirming Report and Recommendation of U.S.M.J. Victor E. Bianchini) (petition for a writ of habeas corpus filed under 28 U.S.C. § 2241 seeking release from detention pending removal moot upon release of petitioner from detention pursuant to an Order of Supervision).

The Clerk of the Court is directed to forward a copy of this Order to petitioner at the address noted in the Order of Supervision: 400 East 30th Street, New York, NY 10016.

SO ORDERED.

S/ MICHAEL A. TELESKA
MICHAEL A. TELESKA
United States District Judge

Dated: March 1, 2010
Rochester, New York